tional Airport, Singapore, being agents, to wit, Immigration Officers of the Immigration Department, Singapore, in furtherance of the common intention of both of you, did corruptly accept from one Noor Mohammed Iqbal bin A. Rahman for yourselves, a gratification of a sum of Thirty Dollars ($30) as a reward for doing an act in relation to your principal's affairs, to wit, supplying a list containing the names of the tourists and the hotels where they would be staying to the said Noor Mohammed Iqbal bin A. Rahman and you have thereby committed an offence punishable under section 6(a) of the Prevention of Corruption Act (Chapter 104) read with section 34 of the Penal Code (Chapter 103)."

At the close of the case for the prosecution, the district judge found that no case had been made out which, if unrebutted, would warrant conviction of the respondents and acquitted and discharged them. The Public Prosecutor now appeals. The undisputed facts are these. The respondents were Immigration Officers attached to the Singapore Airport at all material times. Their duties include checking passports and Disembarkation Forms against a book containing names of wanted persons and the collection and sorting out of Disembarkation Forms which incoming passengers had to fill up. The completed Disembarkation Forms contain the names, places of stay and duration of stay of incoming passengers together with their flight numbers. The information contained in these forms was for survey and security purposes. There was a standing instruction to all Immigration Officers that the information contained in these forms could not be divulged to members of the public.

By a prior arrangement between the respondent Mohd. Ali bin Mohd. Amin (hereinafter called "the 1st respondent") and a tourist tout, Noor Mohammed Iqbal, the 1st respondent was to hand over to the tourist tout a list containing the names of incoming tourists, their flight numbers showing the countries of origin of the flights and the names of the hotels they would be staying in whilst in Singapore. On the appointed day, instead of the 1st respondent, the respondent Mohd. Ibrahim bin Abdul Kadir (hereinafter called "the 2nd respondent") met the tourist tout at the Airport arrival hall and they proceeded to the Airport toilet room where the 2nd respondent handed the tourist tout the said list and in exchange received $30 in cash. The 2nd respondent when confronted by officers from the Corrupt Practices Information Bureau ran out of the toilet room but was apprehended by another C.P.I.B. officer. The names and other particulars in the list handed to the tourist tout were extracted from the Disembarkation Forms collected from incoming passengers. The respondents knew that the purpose the tourist tout wanted the list and paid $30 for it was to enable him to contact the tourists named in the list so as to make arrangements with these tourists to be taken to the Premier Shopping Complex.

On those facts the district judge found the preparation of the list from the information contained in the completed Disembarkation Forms for the purpose of enabling the tourist tout to tout for business from incoming tourists during their stay in Singapore was not an act in relation to their principal's affairs or business because it was "an innocuous act in relation to their principal's affairs". In my judgment, the finding that what the respondents did was not an act in relation to their principal's affairs was clearly wrong.

The real point, as appears from the use of the word "innocuous" by the district judge, is whether or not on the undisputed facts the prosecution has proved there was a "corrupt" acceptance by the respondents of the $30 as a reward for what they did in relation to their principal's affairs. The fact that they had supplied to a tourist tout information which was available to them only because they were Immigration Officers attached to the Singapore Airport for a gratification and the circumstances under which they extracted the particulars contained in the Disembarkation Forms and passed on those particulars to the tourist tout are sufficient proof, unless rebutted, that they had "corruptly" accepted the $30 from the tourist tout. In my opinion, whether or not acceptance of a gratification amounts to a "corrupt" acceptance punishable under the Prevention of Corruption Act is a question of fact which falls to be decided on the proved facts and the circumstances in each case.

Accordingly, the appeal is allowed and the order for acquittal set aside. I order that the case be remitted to the trial court and that the respondents be called upon to make their defence.

*Order accordingly.*

Solicitors: *Harbans Singh & Kamil; Ong & Chellam.*

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## MOHAMED ALI BIN MOHAMED IQBAL v. PUBLIC PROSECUTOR

**[A.Cr.J. (Wee Chong Jin C.J.) January 10, 1979]**
**[Singapore — Magistrate's Appeal No. 33 of 1978]**

*Bribery and Corruption — Corruption — Immigration officer supplying names of tourists and their places of stay to third party and receiving gratification in return — Prevention of Corruption Act (Cap. 104) s. 6(a).*

*Agency — Scope of s. 6(a) of Prevention of Corruption Act — Agent corruptly accepting gratification as reward for act in relation to principal's affairs — Immigration officer agent of government — Prevention of Corruption Act (Cap. 104), s. 6(a).*

*Immigration — Immigration officer corruptly accepting gratification as reward for act in relation to principal's affairs — Immigration officer agent of Government — Prevention of Corruption Act (Cap. 104), s. 6(a).*

The appellant in this case was an Immigration officer attached to the Singapore Airport. His duties included the checking of incoming passengers' passports and their Disembarkation Forms which incoming passengers had to fill up. Each completed form contained the name, place of stay and duration of stay of each incoming passenger. There was standing instruction to all Immigration officers that the information contained in these forms could not be divulged to members of the public. On May 13 and 15, 1977, the appellant supplied two lists containing the names of incoming tourists, their flight numbers showing the countries of origin and the names of hotels they would be staying in Singapore to one Noor Mohamed Iqbal, a sales promotion officer employed by a shopping centre. In return for the said two lists he received $30 and $20 respectively. At the trial he elected to remain silent. He was charged and convicted and fined $1,000 on each charge under section 6(a) of the Prevention of Corruption Act. He appealed.

**Held,** dismissing the appeal: for a conviction under section 6(a) of the Prevention of Corruption Act it need not be proved that the acts done by a person were done by him as agent

on behalf of his principal. The conditions precedent to an offence under section 6(a) are proof, *inter alia*, that the person charged was an agent as defined and what he did was in relation to his principal's affairs or business.

*Case referred to:-*

(1) *Morgan v. Deputy Public Prosecutor* [1970] 3 All E.R. 1053, 1058.

MAGISTRATE'S APPEAL.

*J.B. Jeyaretnam* for the appellant.

*Loke Yoon Kee* (Deputy Public Prosecutor) for the respondent.

*Cur. Adv. Vult.*

**Wee Chong Jin C.J.:** The appellant, Mohamed Ali bin Mohamed Iqbal, was charged and convicted on the following charges: —

"1. You, Mohamed Ali bin Mohamed Iqbal are charged that you, on or about the 13th day of May 1977, at the Paya Lebar International Airport, Singapore, being an agent, to wit, an Immigration Officer in the employ of the Immigration Department, Ministry of Home Affairs, Singapore, did corruptly obtain from one Noor Mohammed Iqbal Bin A. Rahman for yourself, a gratification of a sum of thirty dollars ($30) as a reward for doing an act in relation to your principal's affairs, to wit, to supply names of tourists and their places of stay to the said Noor Mohammed Iqbal Bin A. Rahman and you have thereby committed an offence punishable under section 6(a) of the Prevention of Corruption Act, Chapter 104.

2. You, Mohamed Ali bin Mohamed Iqbal are charged that you, on or about the 15th day of May 1977, at the Paya Lebar International Airport, Singapore, being an agent, to wit, an Immigration Officer in the employ of the Immigration Department, Ministry of Home Affairs, Singapore, did corruptly obtain from one Noor Mohammed Iqbal Bin A. Rahman for yourself, a gratification of a sum of twenty dollars ($20) as a reward for doing an act in relation to your principal's affairs, to wit, to supply names of tourists and their places of stay to the said Noor Mohammed Iqbal Bin A. Rahman and you have thereby committed an offence punishable under section 6(a) of the Prevention of Corruption Act, Chapter 104."

He now appeals against his convictions. The undisputed facts are these. The appellant was an Immigration Officer attached to the Singapore Airport at all material times. His duties included the checking of incoming passengers' passports and their Disembarkation Forms (known as Immigration Form 23) which incoming passengers had to fill up. Each completed form contains, *inter alia*, the name, place of stay and duration of stay of each incoming passenger. It was also his duty to collect all the completed Disembarkation Forms from the various counters and sort them out in accordance with flights. The information contained in these forms was for survey and security purposes. There was a standing instruction to all Immigration Officers that the information contained in these forms could not be divulged to members of the public.

On May 13, 1977 and May 15, 1977 the appellant, in the Airport gentlemen's toilet room, handed to Noor Mohammed Iqbal bin A. Rahman, a sales promotion officer employed by Premier Shopping Centre, two lists containing the names of incoming tourists, their flight numbers showing the countries of origin of the flights and the names of hotels they would be staying in whilst in Singapore. The appellant was paid a sum of $30 and a sum of $20 by Noor Mohammed Iqbal for these two lists containing the aforesaid information which the appellant had copied from the Disembarkation Forms he had collected on the evening of May 12 and 14 respectively.

On these facts, the appellant, having elected to remain silent, was convicted and fined $1,000 on each charge. He now appeals against his convictions. It is contended on his behalf that the acts of the appellant in handing to the tourist tout the two lists containing the information which he had copied from the Disembarkation Forms were not acts done by him in relation to his principal's affairs and that accordingly he had been wrongly convicted under section 6(a) of the Prevention of Corruption Act. The argument is that the appellant's acts, namely copying the information contained in the Disembarkation Forms and passing the information to a third party who had no dealings with the appellant's principal, the Government, could not amount to acts done by the appellant in relation to his principal's affairs. It is said that what the appellant did was something wholly outside the affairs or business of his principal. This argument is clearly unsound.

Section 6(a) of the Prevention of Corruption Act makes it an offence "if any agent corruptly ... accepts ... from any person for himself ... any gratification as an ... reward for doing ... any act in relation to his principal's affairs or business...". The Act defines "agent" to mean "any person employed .. by another, and includes a person serving the Government...", and defines "principal" to include "an employer ... and in the case of a person serving the Government ... includes the Government". On the proved facts, which were not in dispute, the appellant was an agent and the acts that he did were clearly in relation to his principal's affairs. It is settled law by now that the words "in relation to his principal's affairs" fall to be widely construed. In my opinion, for a conviction under section 6(a) it need not be proved that the acts done by a person were done by him as agent on behalf of his principal. The conditions precedent to an offence under section 6(a) are proof, *inter alia*, that the person charged was an agent as defined and that what he did was in relation to his principal's affairs or business (see *Morgan* v. *Deputy Public Prosecutor*[1]).

In those circumstances I am of the opinion that this appeal must be dismissed and the sentence affirmed.

*Appeal dismissed.*

Solicitors: *J.B. Jeyaretnam & Co.*

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## *RE* PENTASIA (PTE.) LTD.

**[O.C.J. (Sinnathuray J.) March 5, 1979]**
**[Singapore — Companies Winding Up No. 137 of 1978]**

*Companies — Winding-up — Adjournment — Request for fourth adjournment — Partial payment of debt by company nearly 5 months after presentation of petition — Court's discretion to refuse adjournment — Companies Winding-Up Rules, 1969, rr. 23, 24, 25, 31 & 32 — Companies Act (Cap. 185), ss. 219(2) and 221.*